

MANAGEMENT OF ACCUMULATED SEDIMENT

Summary presented on Oct. 15, 2007 at SW Interested Parties Meeting

BACKGROUND: New EPA rules addressing the prevention and management of polluted runoff became effective in October 2002. With the promulgation of the revised ch. NR 216 Wis. Adm. Code, effective August 1, 2004, the DNR received authority to implement the Clean Water Act (CWA) requirements. One result of this is an increased number of permits issued and a corresponding increase in the number of sediment detention structures as the regulated community addresses the requirements for stormwater management in the CWA.

Because the sediment (solids) accumulated in such detention structures is a **solid waste**¹ it is subject to solid waste rules, Chapter NR 500 Wis. Adm. Code, and covered by the Solid Waste (Waste and Materials Management) program. The management of sediment accumulated in CWA detention structures is an important issue for both the Watershed Management and the Waste Management programs.

Unfortunately, although the DNR has regulatory responsibility, procedures are not well defined nor do adequate support materials exist for those responsible for the management (sediment disposal and/or beneficial use). Therefore, the time is right to develop a regulatory approach that is mutually agreeable, consistent, appropriately streamlined, and protective of the public health and the environment.

In order to realize this objective the DNR has formed a Technical Advisory Committee (TAC) to obtain input on the experience and perspective of affected stakeholders. DNR staff will work with the TAC to consider different approaches in arriving at an optimized outcome - a regulatory approach² that meets the above values in a flexible, cost effective and protective manner.

CURRENT SITUATION:

- More stormwater ponds and many are now at point of needing maintenance
- When sediment management issues are on the table sometimes a case-by-case approach has been used.
- Potential for inconsistency
- Staff resources scarce
- Need guidance or rule language to assure consistency
- Need to balance regulatory costs and environmental risk and guard against a situation where costs are too high and people defer necessary maintenance causing greater environmental risk. If defer or ignore problem – large storm can re-suspend and discharge sediment thus defeating efforts at protecting surface waters.

¹ *Because accumulated sediment is a solid waste it must be managed in a manner that complies with Chapter NR 500, Wis. Adm. Code.*

² *This regulatory approach would likely involve self-regulation (testing & management when needed) combined with targeted use of staff resources in complex situations.*

Accumulated Sediment Technical Advisory Committee (TAC) Members represent the following organizations:

Earth Tech consulting firm
Dane County Land and Water Resources Department
Wisconsin Dept. of Commerce
City of Madison
River Alliance of Wisconsin DNR
Anderson & Kent, S.C.
Wisconsin Towns Association
Wisconsin Dept. of Administration
Wisconsin Builders Association
DNR staff from Stormwater Program
DNR staff from Waste and Materials Management Program

- The TAC held its first meeting on October 5, 2007
- Hope to request approval from Natural Resources Board in the spring to hold public hearings